UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,473	09/17/2001	Paul W. Forney	213307	7771

23460   7590   04/22/2008
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

EXAMINER
PITARO, RYAN F

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
04/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte PAUL W. FORNEY ET AL.

_____

Application 09/955,473

_____

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

_____

This application was electronically received at the Board of Patent

Appeals and Interferences on April 2, 2008. A review of the application has

revealed that the application is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the examiner.

The matter requiring attention prior to docketing is identified below.

A PTOL-901 was filed on November 27, 2007, in response to a Reply

Brief filed on August 27, 2007. The Examiner states that "The reply brief

filed 11 November 2007 has been entered and considered." Correction is

required for clarification of the record.

Accordingly, it is

ORDERED that the application is electronically returned to the examiner to vacate the PTOL-90 mailed November 27, 2007, to include the correct fiing date of the Reply Brief and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____
DALE M. SHAW
Chief Appeals Administrator
(571) 272-9797

DMS/gjh

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731